

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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<b>CIRIACO PUCILLO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case No. 03-CV-12359 MLW</b>
	)	
<b>METSO PAPER, INC. AND</b>	)	
<b>VALMET CONVERTING, INC.</b>	)	
<b>Defendants.</b>	)	
	)	

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**ATTACHMENTS 1 - 5 TO  
STATEMENT OF MATERIAL FACTS OF RECORD  
TO WHICH THERE IS NO GENUINE ISSUE**

# ATTACHMENT 1

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

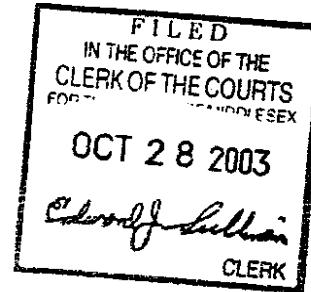
SUPERIOR COURT  
DEPARTMENT OF THE  
TRIAL COURT  
C.A. NO.

03-4425

CIRIACO PUCILLO	)
Plaintiff	)
	)
v.	)
	)
METSO PAPER INC. AND	)
VALMET CONVERTING, INC.	)
Defendants	)

COMPLAINT and  
DEMAND FOR JURY TRIAL

## PARTIES



1. The Plaintiff, Ciriaco Pucillo, is a resident of Ashland, Middlesex County, Commonwealth of Massachusetts.
2. The Defendant, Metso Paper Inc., is a member of Metso Corporation, a Finnish corporation doing business in the United States and the Commonwealth of Massachusetts. In the Commonwealth of Massachusetts, Metso Paper, Inc. has a principal place of business at Metso Paper USA, Inc, Chicopee Service Point, 929 Chicopee Street, Chicopee, Massachusetts.
3. The Defendant, Valmet Converting, Inc., (hereinafter "VALMET"), is a subsidiary of Metso Paper Inc., having its principal place of business at 8041G Arrowridge Blvd., Charlotte, North Carolina.
4. At all times relevant to this action, the Defendants were doing business within the Commonwealth of Massachusetts and had established necessary and minimum contacts within the Commonwealth of Massachusetts.

## FACTS

5. The Plaintiff realleges the allegations contained in paragraphs 1 through 4 and further alleges:
6. At all times relevant to this action, the Plaintiff, Ciriaco Pucillo, was an employee of Proma Technologies, Inc. (hereinafter "PROMA"), 24 Forge Park, Franklin, Norfolk County, Commonwealth of Massachusetts.
7. On April 22, 2002, the Plaintiff was operating an Atlas/Valmet Model CSE 1250R Slitter Rewinder (hereinafter the "PRODUCT") at the PROMA facility in Franklin, Massachusetts.
8. The PRODUCT is equipped with a control board with a spring loaded wire, or "switch", that controls the speed of the machine.
9. The control board and switches are provided to PROMA by the Defendant, VALMET. The switches, including the speed control switch, are set by the Defendant, prior to distribution to PROMA.
10. At all times relevant to this action, the Defendant, VALMET, was aware of the specific application utilized by PROMA of the control boards and switches.
11. On April 22, 2002, the Plaintiff, while in the exercise of due care, started the PRODUCT in the jog mode. Suddenly, as a result of a PRODUCT malfunction, the core sped up to its maximum speed of approximately 3000 feet per minute without warning. The core torqued and was ejected from the machine. The Plaintiff was struck in the face by the ejected core.
12. The Plaintiff's accident was a result of the improper setting of the speed control switch.

### COUNT I - NEGLIGENCE

13. The Plaintiff repeats, realleges and incorporates by reference Paragraphs 1 through 12 of this Complaint.
14. The Defendants were negligent and careless with respect to the Plaintiff in the following respects:
  - a. The Defendants negligently failed to furnish and maintain reasonably safe and proper machinery and/or component parts with which the Plaintiff was to perform his assigned tasks;
  - b. The Defendants failed to warn and instruct users of the PRODUCT of the defective character of the component parts, including the control board and switches, and/or the need to replace defectively designed, manufactured, and/or assembled parts within the PRODUCT;
  - c. The Defendants negligently developed, designed, assembled, inspected, tested, packaged, sold and/or distributed the component parts, including the control board and switches;
  - d. The Defendants negligently failed to take reasonable safety precautions to prevent injuries to users of the PRODUCT, including the Plaintiff;
  - e. The Defendants were negligent and careless in such other manners as investigation, discovery and trial shall reveal.
15. As a direct and proximate result of the Defendants' negligence, the Plaintiff was seriously and permanently injured, suffered great pain of body and mind, and was required to expend monies for medical care and attendance and is still unable to attend to his usual activities.

WHEREFORE, the Plaintiff, Ciriaco Pucillo, seeks and demands judgment against the Defendants, in an amount deemed just and appropriate by the trier of facts together with interest and costs.

**PLAINTIFF DEMANDS A JURY TRIAL ON ALL COUNTS**

Respectfully submitted,  
By his attorney,

Maureen Counihan

Maureen Counihan, Esq.  
Greene & Hoffman, P.C.  
125 Summer Street, Suite 1410  
Boston, MA 02109  
(617) 261-0040  
BBO# 549098

# ATTACHMENT 2

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8 UNITED STATES DISTRICT COURT  
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13 C.A. NO.: 03-CV-12359 MLW  
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CIRIACO PUCILLO, )  
Plaintiff, )  
 )  
vs. )  
 )  
METSO PAPER, INC., and )  
VALMET CONVERTING, INC., )  
Defendants. )  
-----

DEPOSITION OF FRANK H. SERENO, called  
as a witness by and on behalf of the Defendant,  
Valmet Converting, Inc., pursuant to the applicable  
provisions of the Federal Rules of Civil Procedure,  
before Donna M. DiCarlo, Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, taken at Proma  
Technologies, 24 Forge Park, Franklin,  
Massachusetts, on Friday, December 3, 2004,  
commencing at 10:02 a.m.

\* \* \* \* \*

TARALLO & TARALLO  
PROFESSIONAL COURT REPORTERS

P.O. BOX 85  
AUBURN, MASSACHUSETTS 01501  
TEL: (508) 832-0048 FAX: (508) 832-0209

1 A. President.

2 Q. And you're representing Proma Technologies  
3 here today, correct?

4 A. Yes.

5 Q. Is Proma Technologies intending to be  
6 represented by counsel at this deposition?

7 A. Not at this time. And we reserve the  
8 right to make a decision, if that's necessary.

9 Q. Okay. Proma Technologies is a metalized  
10 paper making company. Is that what you said?

11 A. Yes.

12 Q. So Proma Technologies makes paper; is that  
13 correct?

14 A. No.

15 Q. A form of paper. It doesn't make the  
16 machinery. It makes the product itself?

17 A. We make a product known as metalized  
18 paper.

19 Q. And how long has Proma Technologies been  
20 in business?

21 A. Since January 18, 2000.

22 Q. Was this company owned by another company  
23 prior to January 18, 2000?

24 A. Yes.

1 Q. This manufacturing facility?

2 A. Yes.

3 Q. Who owned this manufacturing facility  
4 prior to January 18, 2000?

5 A. A Dutch company known as Royal  
6 Packaging-Van Leer.

7 Q. And was Proma Technologies incorporated  
8 for the purposes of purchasing either the assets or  
9 the shares of Van Leer?

10 A. Proma Technologies, Inc., the company, we  
11 talked about, is the second company. The assets of  
12 Van Leer were purchased by a company known as Proma  
13 Technologies Holdings, Inc., which was then  
14 morphed -- a nonlegal word -- into Proma  
15 Technologies, Inc. So the acquiring company of the  
16 assets of Van Leer was really known as Proma  
17 Technologies Holding, Inc.

18 Q. And the assets of Van Leer were acquired  
19 on January 18, 2000?

20 A. Correct.

21 MS. JOHNSON: One subsidiary of Van  
22 Leer, Van Leer Metalized Products.

23 THE WITNESS: Correct.

24 Q. So Proma Technologies, Inc. purchased a

1 portion of the assets of Van Leer?

2 A. Correct.

3 Q. Those assets related to the metalized --

4 A. Those assets resident in 24 Forge Park,  
5 Franklin, Mass.

6 Q. Does Van Leer continue to exist today?

7 A. Not under that name.

8 Q. Do you know the name it does exist under?

9 A. It was acquired by a company known as  
10 Huhtaimka.

11 Q. Do you know how to spell that?

12 A. Yes.

13 Q. Could you do that?

14 A. Sure. H U H -- I'm doing pretty good -- T  
15 A M K I.

16 MS. JOHNSON: -- A I M K A.

17 THE WITNESS: She's better than I am.

18 Q. Was the remainder of Van Leer acquired by  
19 Huhtaimka or was Huhtaimka the owner of those  
20 assets before they were transferred to you?

21 A. Yes, they were. Let's see. The -- it's  
22 interesting. Huhtaimka, a Finnish company,  
23 purchased Royal Packaging-Van Leer, my memory is,  
24 October of 1999. So I guess it's more correct to

1 say that Proma purchased assets from Huhtaimka --

2 MS. JOHNSON: Huhtaimka-Van Leer it's  
3 called.

4 THE WITNESS: I guess that's correct.

5 MS. COUNIHAN: I don't have any problem  
6 with her answering questions, but shall we swear  
7 her in?

8 MR. KELLEHER: We should probably  
9 identify her for the record.

10 (Discussion off the record.)

11

12 NANCY P. JOHNSON, Sworn

13

14 MR. KELLEHER: Just for the record, to  
15 the extent that Mr. Sereno can answer the  
16 questions, he should. But to the extent that we  
17 need the assistance of Miss Johnson, we're happy to  
18 have her.

19 MS. JOHNSON: That's the intent.

20 BY MR. KELLEHER:

21 Q. So Huhtaimka Van Leer sold assets to Proma  
22 Technologies Holdings in January of 2000?

23 A. Correct.

24 Q. And those assets were the assets in

1 Franklin, Massachusetts?

2 A. Correct.

3 Q. Which is the metalized paper production  
4 company?

5 A. Correct.

6 Q. Do you know how long Huhtaimka-Van Leer  
7 had owned the assets that were in Franklin,  
8 Massachusetts, prior to the sale to you?

9 A. My memory is from sometime in October of  
10 1999.

11 Q. So Huhtaimka acquired the assets and  
12 within a short period of time sold them to you?

13 A. Correct.

14 Q. Prior to Huhtaimka owning the assets, were  
15 they owned by the Dutch company Van Leer?

16 A. Yes.

17 Q. Is that referred to as Van Leer Metalized  
18 Products; do you know?

19 A. Van Leer Metalized Products was a  
20 subsidiary of an operating division of Royal  
21 Packaging Van Leer, the Dutch headquartered  
22 company, parent.

23 Q. Proma Technologies Holdings acquired Van  
24 Leer Metalized Products?

1 transferred.

2 Q. In or about 1993, there was a transaction  
3 between what then would have been Van Leer  
4 Metalized Products in which it acquired a slitter.  
5 Are you familiar with that transaction at all?

6 A. It might be even a little more complicated  
7 than that.

8 Q. Can you tell me what you do know about  
9 that transaction?

10 A. I believe a company known as Van Leer  
11 Leasing --

12 MS. JOHNSON: They actually went  
13 through France.

14 A. Through other operating groups of the  
15 parent company, Van Leer, acquired an asset from a  
16 company I know as Atlas. And that may have been --

17 THE WITNESS: Did it go through France?

18 MS. JOHNSON: Yes.

19 A. It may have been a French subsidiary.

20 Q. A French subsidiary of Van Leer?

21 A. Yes.

22 Q. And Atlas is a company in England,  
23 correct?

24 A. At that time, correct.

1 A. It was intended to slit rolls.

2 Q. Rolls of particular material?

3 A. Metalized paper.

4 Q. And prior to the acquisition of the Atlas  
5 Slitter, was there another slitter here or in  
6 Framingham?

7 A. Yes.

8 Q. Who made the prior slitter?

9 A. There were two prior slitters. One was  
10 made by a company known as Black Clawson, and  
11 another one was made by a company known as Web Co.

12 Q. Am I correct that 1993 is the year that  
13 the Atlas Slitter was purchased?

14 A. Probably not correct if purchase means the  
15 date that the agreement was made to buy. I would  
16 believe that that was agreed to in 1992.

17 Q. And then start-up was in 1993?

18 A. Yes.

19 Q. Was start-up in Framingham or in Franklin?

20 A. Franklin.

21 Q. And was the slitter machine purchased new?

22 A. Yes.

23 Q. So the slitter machine was purchased new  
24 and installed for the first time in Franklin?

1 A. Yes.

2 Q. It was not part of the relocation for  
3 Framingham?

4 A. It was never in Framingham.

5 Q. And it was never anywhere else other than  
6 at the manufacturer, to your knowledge?

7 A. To my knowledge.

8 Q. Was the purchase of this machine in  
9 connection with the creation of another production  
10 line or was it used to replace an existing machine?

11 A. It was part of the original equipment  
12 installed in the Franklin facility.

13 Q. Were either of the two other slitters that  
14 Van Leer had prior to the acquisition of the Atlas  
15 Slitter relocated to Franklin?

16 A. Yes.

17 Q. So upon relocation of the manufacturing  
18 facilities from Framingham to Franklin, how many  
19 operating lines did you have?

20 A. Would you repeat that?

21 Q. Sure. When Van Leer moved from Framingham  
22 to Franklin, how many production lines did you  
23 have?

24 A. That moved?

1 Q. Yes. When you opened the Franklin  
2 facility, how many production lines were there?

3 A. Okay. Five, I think. Five pieces -- six  
4 pieces of manufacturing.

5 Q. And were they -- were the six pieces all  
6 part of one production line or were there --

7 A. Yeah.

8 Q. -- or were you manufacturing metalized  
9 paper on more than one line?

10 A. It's a multistep process performed on  
11 different pieces of equipment.

12 Q. Can you just generally describe that  
13 process for me?

14 A. The first step is known as coding. The  
15 second step is known as metalizing.

16 Q. And is there a coding machine for the  
17 coding process and a metalizing machine for the  
18 metalizing process?

19 A. Correct. And to simplify things, there is  
20 a third step known as slitting. There is also  
21 another step that can be inserted between the  
22 coding and metalizing known as embossing.

23 Q. Did you have an embosser here in Franklin?

24 A. We moved at that time the embossing

1 machine from Framingham to Franklin.

2 Q. And how many slitters did you move from  
3 Framingham to Franklin?

4 A. Two.

5 Q. And you acquired the third one new here  
6 for Franklin?

7 A. Correct.

8 Q. So you had three slitter machines?

9 A. Correct.

10 Q. When the Atlas Slitter machine was  
11 purchased, do you know whether it was purchased FOB  
12 Franklin or FOB in England?

13 A. My recollection it was purchased FOB  
14 Franklin. Delivery was included as part of the  
15 purchase order to the Franklin facility.

16 Q. And does Proma Technologies today have the  
17 sales contract or the purchase order that was used  
18 to purchase that machine?

19 A. I don't know. And the original documents,  
20 I doubt it.

21 Q. You doubt you have the original documents?

22 A. Correct.

23 Q. As opposed to copies of the original  
24 documents; do you mean?

1 A. Correct.

2 Q. It's not here?

3 A. My best guess, is it not here.

4 Q. Do you know what technical materials were  
5 delivered with the Atlas Slitter?

6 A. To what extent?

7 Q. Reference manuals?

8 A. Briefly familiar.

9 Q. Mechanical drawings?

10 A. I'm familiar with documents that were  
11 delivered such as an owner's manual, similar to  
12 that you'd get when you buy a new automobile.

13 Q. Anything else?

14 A. For documentation?

15 Q. Yes. Are you familiar with any other  
16 documents?

17 A. Not that come to mind.

18 Q. Let me back up again. You were operations  
19 manager from 1991 until when?

20 A. August of 1993.

21 Q. And then what position did you have?

22 A. Business unit manager.

23 Q. Until when?

24 A. That was my official Van Leer title until

1 manager of operations?

2 A. There is now. It hasn't always been that  
3 way.

4 Q. Can you tell me from the time you've been  
5 with Van Leer/Proma Technologies, in the early  
6 1990s was there a manager of engineering, for  
7 example?

8 A. No.

9 Q. How was the engineering group organized?

10 A. When?

11 Q. In the early 1990s.

12 A. Do you want to give me, just so I know,  
13 what time frame?

14 Q. 1991 to 1993.

15 A. Well, while I was operations manager, we  
16 had Bill Himmller. He was our only engineer.

17 MS. JOHNSON: George Rice.

18 THE WITNESS: Not until 1991. Well,  
19 let me talk to my colleague here. When did Rice  
20 join us?

21 MS. JOHNSON: I would have to check,  
22 but it was pretty early on.

23 THE WITNESS: He was not there in 1991.

24 MS. JOHNSON: I would say '92.

1       A.    We're using our memories here.  We had an  
2       electrical engineer arrive into that functionality  
3       -- I hired him -- so sometime around 1992 or 1993.

4       Q.    Okay.  The first name again was Bill --

5       A.    Himmller.

6       Q.    H I M L A?

7       A.    H I M M L E R.  And the second name I gave  
8       you was George Rice.  And both of those individuals  
9       reported to me as operations manager.

10      Q.    And then in addition to that engineering  
11       function, was there a separate maintenance  
12       function?

13      A.    Yes.

14      Q.    Was there a different group of people  
15       involved in the maintenance function during that  
16       time period that you were operations manager?

17      A.    Yes.

18      Q.    Did they report to you?

19      A.    Yes.

20      Q.    Do you know approximately how many people  
21       there were in maintenance?

22      A.    Yes.  Seven, eight, five.  Somewhere  
23       between three and eight.

24      Q.    Was there a head of the maintenance group?

1 A. Yes.

2 Q. Do you know who that was?

3 A. Yes.

4 Q. Who was it?

5 A. Paul Langley.

6 Q. And was he head of maintenance at the time  
7 that you joined the company in '91?

8 A. He was the main man.

9 Q. For maintenance?

10 A. Correct.

11 Q. Was he also the main man for maintenance  
12 after you changed to become business manager in  
13 1993?

14 A. Yes.

15 Q. For how long a period of time was he the  
16 main man in maintenance?

17 A. He continues in that role today.

18 Q. Tell me, if you would, the difference and  
19 function between the engineering group and the  
20 maintenance group involving the machinery?

21 A. Then or now?

22 Q. During the time period that you were  
23 operations manager and business manager, if they're  
24 the same. If they're different, tell me they're

1 Slitter operates?

2 A. Reasonably.

3 Q. Are you familiar with the process during  
4 your tenure with Van Leer and with Proma  
5 Technologies for acquiring spare parts and  
6 replacement parts for the Atlas Slitter?

7 A. Generally.

8 Q. Who would be the person that would be most  
9 knowledgeable in that area?

10 A. I would guess Paul Langley.

11 Q. Let me describe for you what I understand  
12 the slitter to be and how it functions. Tell me if  
13 I'm right or tell me if someone else should be the  
14 witness to answer this. Okay?

15 A. You're going to be the witness to answer  
16 how the slitter runs?

17 Q. I'm going to describe to you how I  
18 understand it runs, and you're going to tell me if  
19 I'm right or you don't know and someone else should  
20 be the person who confirms this for me.

21 A. Okay.

22 Q. The slitter has an unwind side and a  
23 rewind side, correct? It unwinds the material --

24 A. If you were to say section, you'd be more

1 correct.

2 Q. So it has an unwind section?

3 A. Yes.

4 Q. A slitter section?

5 A. That's good.

6 Q. And a rewind section?

7 A. That's good.

8 Q. And the rewind section is capable of  
9 rewinding up to five separate rolls; is that  
10 correct?

11 A. It might be more than that.

12 Q. However many rolls it's capable of  
13 rewinding, when the material is rewound, it's put  
14 onto cores?

15 A. Correct.

16 Q. And that's like a cardboard material?

17 A. Correct.

18 Q. And each core is held by two arms; is that  
19 correct?

20 A. Correct. The slitter we're talking about  
21 is the Atlas Slitter?

22 Q. Yes. So if the machine were capable of  
23 rewinding five cores at a time, it would have ten  
24 arms; is that correct?

1 A. Would you repeat that.

2 Q. Sure. If the machine were capable of  
3 rewinding five cores at a time, it would have ten  
4 arms?

5 A. Correct.

6 Q. But at any point in time, you don't have  
7 to be rewinding the maximum number of cores; you  
8 could be rewinding less than the maximum, correct?

9 A. Correct.

10 Q. It could be only one, three or five?

11 A. Correct.

12 Q. And each arm that holds the core has a  
13 drive; is that correct?

14 A. Correct.

15 Q. So at any point in time, there are at  
16 least ten drives on the machine?

17 A. Which may or may not be operating?

18 Q. Correct.

19 A. (Witness nods.)

20 Q. And from time to time, the drives need to  
21 be repair or replaced, correct?

22 A. As required.

23 Q. Who makes the decision as to when to  
24 purchase a new drive?

1 A. No.

2 Q. The substance of the letter says that we,  
3 assuming it's Proma Technologies, purchase an  
4 average of one board per year and keep three in  
5 inventory to cover for the time when one is sent  
6 for repair regarding -- and this letter is  
7 referencing drives for the Atlas Slitter.

8 Do you have any knowledge of the  
9 subject matter of this letter?

10 A. I understand the subject matter of this  
11 letter.

12 Q. You cannot independently verify the  
13 information in the letter or confirm it. You don't  
14 know one way or the other?

15 A. No.

16 Q. Do you know how many drives were purchased  
17 for that machine, the Atlas Slitter machine, since  
18 it was acquired in 1993?

19 A. No.

20 Q. Do you know who is in charge of keeping  
21 records to that effect?

22 A. I don't believe records have been kept to  
23 that effect.

24 Q. Describe for me, if you would, the

1 process, let's take Van Leer first, Proma  
2 Technologies second, from the time of 1993 to the  
3 early part of January 2000, what was the  
4 record-keeping process for the purchase of spare  
5 parts or replacement parts?

6 A. Purchase requisitions are made out and  
7 filed for an amount of time but not forever.

8 Q. Were the purchase requisitions made out by  
9 Van Leer Metalized Products in Franklin,  
10 Massachusetts, or were they made out by some other  
11 affiliated company?

12 A. For?

13 Q. For the time period of 1993 to January of  
14 2000 with regard to drives for an Atlas Slitter.

15 A. Probably both.

16 Q. Probably some were purchased by a Van Leer  
17 affiliated company?

18 A. Correct.

19 Q. And some were purchased by the Van Leer  
20 company in Franklin?

21 A. Correct.

22 Q. And would the process for issuing paper  
23 and maintaining those records be different  
24 depending on who purchased it?

1 A. Absolutely.

2 Q. When Van Leer Metalized Products in  
3 Franklin purchased drives, do you know the process  
4 the paperwork went through for that purchase?

5 A. Not in detail.

6 Q. Do you know where those records are or  
7 were maintained?

8 A. In Paul Langley's office.

9 Q. Do you know for what period of time they  
10 were maintained?

11 A. No.

12 Q. When drives were purchased by affiliated  
13 companies of Van Leer, do you know if it was the  
14 same company each time?

15 A. No.

16 Q. It could be a different affiliated company  
17 on each occasion?

18 A. During that period of 1992 to 1993, it  
19 could have been done by multiple companies.

20 Q. How about later in the '90s, '94 '95, '96  
21 up to the year 2000, were there still multiple  
22 companies involved?

23 A. I don't believe so. That activity died  
24 away probably by the mid-'90s, '95 and after.

1 licensed electricians.

2 Q. How many?

3 A. Three or four.

4 Q. Let's talk about the time period since it  
5 became Proma Technologies. How many licensed  
6 electricians did you have on staff at Proma in  
7 January of 2000? Three or four?

8 A. It could be more than that because some  
9 have come and left. So the number could be three  
10 or four to seven or eight.

11 Q. At any point in time, is it generally in  
12 the area of three or four?

13 A. Approximately.

14 Q. And those licensed electricians would have  
15 responsibility for the electrical function of the  
16 machinery, generally speaking?

17 A. Generally speaking.

18 Q. And it's your understanding that it would  
19 be that function that would install replacement  
20 drives on the Atlas Slitter, correct?

21 A. Correct.

22 Q. Do you have records that would show who  
23 among those electricians have responsibility for  
24 the Atlas Slitter as opposed to any other

1 something in there giving me a reference point to  
2 size, it's almost impossible to tell.

3 A. Sure. It's about the size of a piece of  
4 paper.

5 Q. And on each of these drives, there is a  
6 daughter card; is that correct?

7 A. Correct.

8 Q. And approximately how big is the daughter  
9 card?

10 A. One inch by 3 inch, 2 by 4; somewhere  
11 around there.

12 Q. And the daughter cards are on the drives  
13 when they're received by Proma or Van Leer?

14 A. I believe that's correct.

15 Q. You don't order them separately, correct?

16 A. No.

17 Q. And would there ever be an occasion that  
18 you would replace the daughter card without  
19 replacing the drive or vice versa?

20 A. I doubt it, but I do not know.

21 Q. Is that something Paul Langley would be  
22 more qualified to answer?

23 A. Yes.

24 Q. If at any time I ask you a question that

1           A. I am sure there was, again, discussions  
2       about the performance expectations back and forth  
3       between the buying company and the selling company.

4 Q. It's my understanding that Atlas Valmet  
5 would purchase the generic boards from Infranor,  
6 make modifications to the boards prior to them  
7 being shipped to Proma; is that correct?

8 MR. KELLEHER: Objection. He can't  
9 know what your understanding is.

10 Q. Well, you can answer the question.

11 A. I have no idea what Atlas does when they  
12 receive the boards.

13 Q. Do you have any understanding as to where  
14 Atlas got the boards?

15 A. I believe they got the boards from  
16 Infranor.

17 Q. Do you have any understanding with respect  
18 to what changes were made to the boards once they  
19 were received by Atlas prior to being sent to  
20 Proma?

21 A. No.

22 Q. Is it your understanding that something  
23 was done to the boards prior to them being sent to  
24 Proma?

1           A. I have no knowledge as to what was done by  
2           Atlas.

3           Q. Is there any reason that you couldn't  
4           purchase the boards directly from Infranor?

5           A. Yes.

6           Q. What was that reason?

7           A. We were told, when we attempted to  
8           purchase the boards directly from Infranor, that  
9           they could not sell them to us, we had to buy them  
10          directly from Atlas.

11          Q. Was that reduced to a writing?

12          A. I don't know. Paul Langley is best to  
13          answer that question as that answer was given to  
14          him.

15          Q. And when did that communication take  
16          place?

17          A. I don't know exactly.

18          Q. From the time that Proma initially  
19          purchased the slitter up until the date of Mr.  
20          Pucillo's accident, were there any changes with  
21          respect to the process by which you would obtain a  
22          replacement board?

23          A. I don't know of any. Paul Langley is best  
24          to answer that question.

1 information other than what you've given us?

2 A. I don't believe so.

3 Q. And one of the other groups that you've  
4 indicated that you were a part of was a group that  
5 would get the service contracts for the equipment?

6 A. Would get them?

7 Q. Would hire or retain or sign service  
8 contracts?

9 A. Depending upon the expense associated with  
10 it, I might have to approve them by signature.

11 Q. Do you know whether any service contract  
12 was ever entered into with respect to the Atlas  
13 Slitter?

14 A. I don't know of any but it could exist.

15 Q. Would that service contract have come  
16 through Atlas?

17 A. Come through or would be given to.

18 Q. I'm trying to decide exactly who the  
19 service contract would be with.

20 A. If one existed?

21 Q. If one existed. Would Atlas have provided  
22 service pursuant to a service contract?

23 A. I don't know that we have, in essence, a  
24 service contract. If something is wrong with the

1           Atlas Slitter, we call for help and we pay for  
2           their help.

3                   I don't believe we have any ongoing  
4           retainer-type relationship with them where we pay  
5           them a fee on an ongoing basis. It's compensation  
6           for a specific task performed.

7           Q.     So the services that they would provide  
8           are not pursuant to a contract?

9           A.     Well, I don't know if we issue a purchase  
10          order and they come and we pay them, if that's a  
11          contract or not.

12          Q.     Have you ever looked into getting the  
13          drives or boards from anyone other than Infranor or  
14          Atlas?

15          A.     I don't believe so.

16          Q.     You indicated that the purchase orders for  
17          the replacement parts would be kept for a short  
18          period of time and then not kept any longer; is  
19          that correct?

20          A.     I indicated that they were kept for an  
21          unknown period of time.

22          Q.     Do you know if they're not kept here, are  
23          they thrown away or are they just moved to a  
24          different facility?

1       A.     There is no different facility. If  
2 they're not here, they've been destroyed.

3       Q.     Steve Bagley, is he still employed by  
4 Proma?

5       A.     Yes.

6       Q.     What about Tod Drew, can you tell me who  
7 he is?

8       A.     He is a process operator that is still  
9 employed by Proma but probably isn't here today.

10           THE WITNESS: Is Todd here today?

11           MS. JOHNSON: I don't think so.

12           Q.     Who is Alan Petzhold?

13           A.     He's a team leader. He's a supervisor of  
14 the slitting area.

15           Q.     Would he be Mr. Pucillo's supervisor?

16           A.     Yes.

17           Q.     Is he still an employee of Proma?

18           A.     Yes.

19           Q.     What about Jim McDonald?

20           A.     He is no longer an employee of Proma  
21 Technologies.

22           Q.     When did Mr. McDonald leave Proma  
23 Technologies?

24           A.     Sometime around April 5, 2004.

# ATTACHMENT 3

Volume I  
Pages 1 to 70  
Exhibits (1)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**CIRIACO PUCILLO**, Plaintiff(s),

v. Civil Action  
No. 03-CV-12359 MLW

METSO PAPER INC. AND  
VALMET CONVERTING, INC.,  
Defendant(s).

10  
11  
12 DEPOSITION OF CIRIACO PUCILLO, a witness called  
13 by counsel for the Defendants, taken pursuant to the  
14 applicable rules, before Diane L. McElwee, Registered  
15 Merit Reporter and Notary Public in and for the  
16 Commonwealth of Massachusetts, at 19 Wesson Street,  
17 Ashland, Massachusetts, on Tuesday, May 3, 2005,  
18 commencing at 2:02 PM.

JAMES GIBBONS & ASSOCIATES  
617-428-0402

1 I tend to ask questions quickly. If I go too fast,  
2 tell me to slow down.

3 Fair enough?

4 A Okay.

5 Q Could you please tell us your date of birth.

6 A June 1, 1943.

7 Q And where were you born?

8 A Italy.

9 Q What city or town?

10 A San Giorgio.

11 Q When did you move to the U.S.?

12 A 1966. I don't remember the date.

13 Q And are you presently employed by a company  
14 called Vacumet?

15 A Yes.

16 Q And prior to a few weeks ago was the name of  
17 that company Proma Technologies?

18 A Right.

19 Q And for how long were you employed by Proma  
20 Technologies?

21 A 2000.

22 Q That's because Proma Technologies purchased  
23 a company called Van Leer Metallized Products in the  
24 year 2000?

# ATTACHMENT 4

1 Volume I  
2 Pages 1 to 103  
3 Exhibits 1 to 3

4 UNITED STATES DISTRICT COURT

5 CIRIACO PUCILLO, -----  
6 Plaintiff(s),

7 v. Civil Action  
8 METSO PAPER INC. AND No. 03-CV-12359 MLW  
9 VALMET CONVERTING, INC.,  
Defendant(s).

10 -----  
11  
12 DEPOSITION OF DAVID G. PEAVEY, a witness called  
13 by counsel for the Plaintiff, taken pursuant to the  
14 applicable rules, before Diane L. McElwee, Registered  
15 Merit Reporter and Notary Public in and for the  
16 Commonwealth of Massachusetts, at the Offices of  
17 Vacumet, 24 Forge Park, Franklin, Massachusetts, on  
18 Tuesday, April 26, 2005, commencing at 10:00 AM.

19

20

21

22

23 JAMES GIBBONS & ASSOCIATES  
617-428-0402

24

1 A Yes.

2 Q People don't come here to buy their wrapping  
3 paper.

4 A Right, right.

5 Q The slitting process, that involves the use  
6 of a slitter; is that correct?

7 A Yes.

8 Q Can you describe the slitting process?

9 A They take that large roll that comes off of  
10 the primer coater, and when they put it on the  
11 slitter, whatever the order would call for, they  
12 would just set up the machine to slit the rolls  
13 whatever size they might be. They might be three  
14 different sizes or two different sizes or whatever it  
15 is. So it's basically taking a roll and making it  
16 whatever width the customer wants.

17 Q Am I correct that Proma had three slitter  
18 machines?

19 A Yes.

20 Q Is that the same as in 2002? There were  
21 three slitter machines?

22 A Yes.

23 Q And do you know who the manufacturers are of  
24 the slitter machines?

1 at any time I ask you a question that you don't feel  
2 comfortable in answering, just say, That's not my  
3 expertise, okay?

4 A Okay.

5 Q Can you tell me with respect to that  
6 particular machine approximately what the dimensions  
7 of the machine are?

8 A I could take a guess. It's approximately  
9 ten to twelve feet wide and thirty feet long.

10 Q Can you describe how the machine works?

11 A Again we take a roll of paper from the  
12 primer coater, and it's slit into whatever widths an  
13 order will call for. We have a drive system on the  
14 unwind that controls the unwind tension, and we have  
15 a winding system that will pull that paper off of the  
16 unwind, and there is a section of knives that will  
17 make the cuts in the paper to make the proper widths.

18 Q The roll that you take off the coating  
19 process, that's one roll, correct?

20 A Yes.

21 Q That is put onto the unwind arms?

22 A There is an unwind stand, and it's a single  
23 roll. There is not numerous arms. There is a couple  
24 of chucks that come in and grab that core that the

1 roll is wound on, and that's a single roll.

2 Q That's a single roll?

3 A Yes.

4 Q And then the paper is fed through a series  
5 of rollers?

6 A Yes.

7 Q And then it goes down to the rewind arms?

8 A Yes.

9 Q How many rewind arms are there on the Atlas  
10 Slitter 1?

11 A There can be -- I believe there can be as  
12 many as six pairs with one of those pairs being just  
13 like a scrap winder where you have got some extra  
14 paper on the end and, you know, maybe a narrow width,  
15 and they wind that up.

16 To be honest with you, I am trying to  
17 remember if it's five or six. I believe it's six.  
18 It could be five.

19 Q And each of those pairs would be considered  
20 a winding station; is that correct?

21 A Yes.

22 Q And with each winding station it would have  
23 two rewind arms with the core in between?

24 A Yes.

1           Q     If at any time I use vocabulary and I am  
2 wrong, if you could point that out so I have a  
3 clearer understanding. I want to make sure we are  
4 both talking about the same things.

5           A     Okay.

6           Q     The winding stations with the two rewind  
7 arms, do each of them also -- does each rewind arm  
8 have its own drive?

9           A     Yes.

10          Q     For all six of the pairs, does each rewind  
11 arm have a drive?

12          A     No. Excuse me for talking over you. No.  
13 That winder that I said was like a scrap winder,  
14 usually it's one driven arm. They have one driven  
15 arm and one nondriven arm, because you might wind up  
16 with something that's only four inches wide. It's of  
17 no use, but it's too big to go up the scrap shoot.  
18 So that would only be a single drive.

19          Q     And each of the winding stations, the rewind  
20 arms are identified as left and right, correct?

21          A     Yes.

22          Q     So if you were looking at one of the winding  
23 stations, you would have the left arm and the right  
24 arm, correct?

1 A Yes.

2 Q And notwithstanding the scrap drive that's  
3 the single driven winding station, the remaining  
4 five winding stations would have drives in both arms,  
5 correct?

6 A Yes.

7 Q And has that been the setup for that machine  
8 essentially since it was brought into Proma or Van  
9 Leer?

10 A Yes.

11 Q Have any significant alterations been made  
12 to that machine since it was purchased?

13 A Not that I know of.

14 Q In addition to the drives that are in the  
15 rewind arms, are there any other drives in the Atlas  
16 slitter?

17 A Yes.

18 Q What are the other drives?

19 A The unwind drives and the main rewind drive.

20 Q Is that in the core?

21 A No.

22 Q I am sorry. In the drum?

23 A Yes, right.

24 Q All right.

1                   So I didn't mean to cut you off. Are  
2 there any other drives other than the unwind drive  
3 and the rewind drive?

4                   A     No.

5                   Q     And how many drives are there when you  
6 called them unwind drives?

7                   A     There is two.

8                   Q     And where are they located?

9                   A     The drives are located in the control  
10 cabinets. The motors are located out at the unwind.

11                  Q     Are the unwind drives the same drives that  
12 are in the rewind arms?

13                  A     No.

14                  Q     So you could look at the different drives  
15 and know where it went?

16                  A     Oh, yes.

17                  Q     And what about the rewind drive in the drum,  
18 is that different?

19                  A     The rewind drive in the drum is the same as  
20 the unwind drive.

21                  Q     Are they the same manufacturer?

22                  A     Yes.

23                  Q     Who is the manufacturer of those drives?

24                  A     Eurotherm.

1 A Yes.

2 Q Are there any other drives that control the  
3 rewind arms other than those drives?

4 A No.

5 Q Did I confuse you?

6 A A little bit, only because we do have two  
7 types of Infranor drives.

8 Q Let me ask you can you identify the two  
9 types of Infranor drives?

10 A Right. We have one that's a speed control  
11 drive.

12 Q And what's the other one?

13 A The other one is a current control drive.

14 Q How do you differentiate between the speed  
15 control drive and the current control drive?

16 A The speed control drives there is a pot off  
17 of the end of the motor -- not a pot, a tachometer  
18 that's off the end of the motor that gives feedback  
19 to that drive and that speed card or the speed  
20 section of that drive to say how fast it's going. It  
21 uses a tachometer for the feedback. On the current  
22 control drives you are coming back with a current  
23 signal, and it knows what it's doing from that  
24 current signal.

1 Q Are those drives two separate drive boards?

2 A They are the same except for a daughter  
3 board that plugs into that card. They are basically  
4 the same.

5 Q Which one has the daughter card?

6 A The one that has the daughter card is the  
7 current control drive.

8 Q In the rewind arms, which ones have the  
9 speed control drives, and which ones have the current  
10 control drives?

11 A All of the arms have the current control  
12 drives.

13 Q Where are the speed control drives?

14 A There is a section of the rewind -- let's  
15 see if I can describe this. We have a rewind drive  
16 motor that I described that's driven by a Eurotherm  
17 drive, and there is a belt, a serpentine belt that  
18 runs up through a lot of gears, and then in the  
19 middle of that there is an Infranor drive that drives  
20 a little -- that drives a motor with a tachometer on  
21 it to help change the speed so you can speed match  
22 the drums with the product you are running.

23 Q How many speed control drives does the Atlas  
24 Slitter 1 have?

1 A I can't remember.

2 Q Are the speed control drives interchangeable  
3 with the current control drives?

4 A No.

5 Q So if you need to replace a speed control  
6 drive, you wouldn't do it with a current control  
7 drive, correct?

8 A No.

9 Q Do they look alike?

10 A They look similar, but I know there is a  
11 different number on the drive card.

12 Q And does the speed control drive get changed  
13 periodically by you?

14 A I personally don't ever recall changing one  
15 of the drives, but I know as far as the speed control  
16 drives I have never changed one.

17 Q Have you ever changed a current control  
18 drive?

19 A I don't ever recall changing a current  
20 control drive.

21 Q Okay. Can you describe for me what the  
22 current control drives look like?

23 A It's a printed circuit board that plugs into  
24 a back plane. There is a drive chassis, and on that

1 back plane there is a slot to accept the pins that  
2 are etched onto the cards themselves. All you have  
3 to do is unscrew it and pull it out and pop in a new  
4 drive or drive from, say, the arm beside it if you  
5 wanted to check that to see if you know you had one  
6 that's running good. If you wanted to see if it  
7 makes a difference over here, you could just swap  
8 them.

9 Q Have you ever done that?

10 A I believe so.

11 Q Can you describe for me the physical  
12 appearance though of the drive as far as, you know,  
13 what are the dimensions of it?

14 A Probably I am going to say 12 to 15 inches  
15 long and maybe 12 inches high and with the face plate  
16 on it it's probably three inches wide.

17 Q Approximately how much do they weigh?

18 A Maybe five pounds, maybe three pounds.

19 Q It doesn't require two people to change  
20 them, correct?

21 A No.

22 Q Who does the ordering of the drive boards?

23 A Would be Paul Langley.

24 Q How is that information or the need to order

1 Q Do you know whether that card is known as  
2 the armature voltage feedback?

3 A Yes. I guess I misspoke. When I think of  
4 current, since current -- voltage is sort of together  
5 in my mind. When I say current control, armature  
6 voltage feedback would be the proper term for that.

7 Q Is the armature voltage feedback the drive  
8 or the daughter card?

9 A That card accomplishes that function of  
10 changing that voltage into something that card can  
11 interpret to drive that motor at the right speed or  
12 apply the right current and voltage to that card -- I  
13 mean to the drive motor itself to get the speed you  
14 need.

15 Q Are these cards the cards that have the  
16 speed switches on them?

17 A There are switches on them.

18 Q Can you describe the appearance of the  
19 switches?

20 A Yes. They are just a little piece of metal  
21 wire that comes up, and there is a hook. It looks  
22 like a candy cane. You basically can take the wire  
23 that comes up out of the board and hook it -- you can  
24 either leave it hooked to nothing, or you can hook it

1 underneath that little candy cane type hook of the  
2 other part of the switch.

3 Q Are there any warning labels on the machine?

4 A In terms of, you know, Danger, high voltage,  
5 something like that? Yes.

6 Q I am going to start with the machine as far  
7 as what warning labels might be on the machine or  
8 instructions to the users of the machine. Sometimes  
9 machines have written instructions and labels on  
10 them, and sometimes they don't.

11 My question is to the best of your  
12 memory does that particular machine have any warning  
13 labels or instructions?

14 A There were high voltage labels. As far as  
15 instructions, I would have to go out and look at it.

16 Q Are there any warning labels or instructions  
17 on the drive boards?

18 A Not that I know of.

19 Q Have you ever seen the drive boards when  
20 they arrive at the Proma facility?

21 A I can't recall if I have seen them as they  
22 have come into Paul's office. I am trying to think  
23 back. It's possible, you know, I have looked at them  
24 as they are in the bubble wrap on the floor. I guess

1 regarding the removal of the drives?

2 A No.

3 Q Did you receive any training with respect to  
4 the repair of the drives?

5 A No.

6 Q How do you know from an electrician's point  
7 of view when a drive needs to be replaced?

8 A I would say in my experience, especially  
9 early on, which is when I spent more time there than  
10 I did after, say, 1996, during the very early years,  
11 I don't believe we had any problems with the drives.  
12 Now after that I would say, if you had a problem with  
13 the arms, one of the things you might do is take a  
14 board from an arm that you know is working and put it  
15 in the slot for the arm that isn't working and see if  
16 that makes a difference.

17 Q Can you just explain to me how it's  
18 communicated to the electricians that there is a  
19 problem with the arms?

20 A The operator would call an electrician.

21 Q And then the electrician would go in and see  
22 if you or whatever electrician, whoever it might be,  
23 could fix the problem?

24 A Yes.

1           A     Preventive maintenance and repairs when the  
2 machine is broken down.

3           Q     So the responsibility for the repairs of the  
4 machine falls within the maintenance department?

5           A     Yes.

6           Q     You are not in the maintenance department?

7           A     I am.

8           Q     Can you tell me about your involvement with  
9 the repair of the Atlas Slitter 1?

10          A     In the early years, where we had fewer  
11 people, I was involved with it quite a bit. In 1996  
12 I spent most of my time at the metallizing machine,  
13 because that was always our bottleneck, and I usually  
14 went to the equipment that was the biggest problem or  
15 the bottleneck at the time. Usually the Atlas wasn't  
16 the bottleneck of the factory. So I spent -- it  
17 seemed like I spent less and less time at the Atlas.

18          Q     When you were at the Atlas, what type of  
19 repairs did you do on the Atlas?

20          A     It could be anything. My involvement,  
21 especially in terms of the arms, would be trying to  
22 calibrate either I or P transducers on the load cells  
23 because that was always a big problem.

24          Q     Can you say that slower, calibrate the --

1 another entity other than Atlas or Valmet?

2 A No.

3 Q Other than for service calls, were Atlas or  
4 Valmet people ever brought up just for a regular  
5 maintenance check?

6 A No.

7 Q So Atlas or Valmet technicians didn't do any  
8 routine inspections of the machine?

9 A No. That letter that Harold had written up  
10 about John Brooks' visit in 2000, there were  
11 issues -- again this is a vague memory. There were  
12 issues that we were trying to deal with. He had come  
13 up and made these suggestions that you see there on  
14 Harold's write-up that we took care of. I don't know  
15 if you would consider that just a regular visit to  
16 try to sort out some problems.

17 I don't know if there was, you know, a  
18 specific -- a big problem like we had with the unwind  
19 situation and then with the rewind situation that you  
20 would say he came up just to deal with this. In that  
21 case I know he came up to look at more than one  
22 thing.

23 Q In that case would you consider that a  
24 routine inspection?

1       Converting. I just have a few questions for you.

2                     You testified this morning that you  
3       have never personally changed an Infranor drive with  
4       a new drive, correct?

5       A      Right.

6       Q      But you have on occasion swapped out an  
7       Infranor drive from one arm with an Infranor drive  
8       from another arm?

9       A      Right.

10      Q      How many times have you done that?

11      A      I believe I have done that once.

12      Q      And is the purpose of that procedure to  
13       determine whether or not the Infranor drive that's at  
14       issue, the one being swapped out, is malfunctioning  
15       in some way?

16      A      Right.

17      Q      By putting in a drive that you believe is  
18       working correctly?

19      A      Yes.

20      Q      I believe you testified that, for example,  
21       you could take a drive out of Arm 2L if you think  
22       it's malfunctioning, and you would take one from 4L  
23       if you thought it was functioning correctly. You put  
24       4L into 2L, put the malfunctioning 2L in 4L, and see

1 if 2L works; is that correct?

2 A That's correct.

3 Q Then you need to take the 2L, which is now  
4 in 4L, to inventory and replace it, or if there is  
5 nothing in inventory, you make a note or tell someone  
6 you did that?

7 A If I understand you correctly, if the  
8 problem stayed with the card -- let's say we took the  
9 card out of 4L and put it in 2L, and the problem that  
10 we were having with 2L went away. Then we would say,  
11 Okay, this is a bad card.

12 We would either leave that in the rack,  
13 because we don't expect to use that right away, but I  
14 would say for the most part it would just be pulled  
15 out and given to Paul to be sent out to be repaired.  
16 I think there usually was -- so far as I know, there  
17 usually was cards to replace it with.

18 Q And was there a record maintained of the  
19 fact that the drive card that had been in 4L was now  
20 in 2L?

21 A No.

22 Q My understanding is there is a record kept  
23 of certain maintenance procedures at Proma  
24 Technologies that are referred to as maintenance

1       notebook?

2       A      No.

3       Q      Are you familiar, Mr. Peavey, with  
4           electrical schematics for this machine?

5       A      I am. I have looked at them many times.

6       It's certainly not something I would know offhand. I  
7           can look at them and understand them.

8       Q      Okay. You said you looked at them many  
9           times. What would cause you to look at the  
10          schematics for this machine?

11      A      Like I had said earlier, especially during  
12          our early years here, we had very few people, and I  
13          spent a lot of time at every machine. Of course  
14          during the start-up of a machine is when you have a  
15          lot of problems. So during those early years of,  
16          say, '93, '94, and '95, there was always reasons to  
17          go and look at the prints.

18      Q      What do the schematic prints tell you?

19      A      The electrical diagrams would tell you where  
20          something is fed from, what's controlling something,  
21          you know, what something is interlocked with. If  
22          somebody says the unwind carriage won't come in, you  
23          would find out what's interlocked with the unwind  
24          carriage. For example, it would just depend on what

1 A Yes. It's not in complete detail, but it  
2 gives you some of the details of that board.

3 Q If you look at page 158, can you tell me  
4 what that is?

5 A This is --

6 Q It's entitled, Infranor Armature Feedback  
7 Board OS13, correct?

8 A Yes.

9 Q Can you tell us what that is?

10 A This is the amplifier section of that board.

11 Q Earlier today when you talked to us about  
12 tachometer feedback and armature feedback devices,  
13 correct?

14 A Correct.

15 Q Is there a depiction of the armature  
16 feedback?

17 A Yes.

18 Q That is associated with a current signal  
19 systems?

20 A Yes.

21 Q And this is in essence a depiction of the  
22 daughter board; is that right?

23 A I can't be a hundred percent sure. I would  
24 have to look at the daughter board, and I might have

1 a better idea. It could be.

2 Q You don't know?

3 A I am not a hundred percent sure, no.

4 Q Let me show you on page 158 there is a  
5 circle around the number 2, what appears to be pen  
6 and a line to a note on the bottom left-hand corner  
7 of the page.

8 A Yes.

9 Q Can you tell me what that note stands for on  
10 the bottom left-hand corner of the page?

11 A It says, Set S-1 to Position 1 for M55.

12 Q Do you know what S-1 stands for?

13 A S-1 would be switch one on this board  
14 (indicating).

15 Q It says, Set S-1 to Position 2, M59, right?

16 A Yes.

17 Q So this particular aspect of page 158 has  
18 the note explaining which position the switch should  
19 be in?

20 A Yes. For this application it says that,  
21 yes.

22 Q Do you know who put the circle around the  
23 number 2 and the line down to the note on the bottom  
24 left-hand corner?

# ATTACHMENT 5

 ORIGINAL

Volume: I  
Pages: 1 - 88  
Exhibits: Per Index

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO.: 03-CV-12359 MLW

CIRIACO PUCILLO,  
Plaintiff,  
  
vs.  
  
METSO PAPER, INC., and  
VALMET CONVERTING, INC.,  
Defendants.

DEPOSITION OF ROBERT PAUL LANGLEY,  
called as a witness by and on behalf of the  
Defendant, Valmet Converting, Inc., pursuant to the  
applicable provisions of the Federal Rules of Civil  
Procedure, before Donna M. DiCarlo, Registered  
Professional Reporter and Notary Public in and for  
the Commonwealth of Massachusetts, taken at Proma  
Technologies, 24 Forge Park, Franklin,  
Massachusetts, on Friday, December 3, 2004,  
commencing at 1:03 p.m.

**TARALLO & TARALLO  
PROFESSIONAL COURT REPORTERS**

P.O. BOX 85  
AUBURN, MASSACHUSETTS 01501  
TEL: (508) 832-0048 FAX: (508) 832-0209

1 Q. I'm sorry. Did you say the maintenance  
2 group would do that?

3 A. The maintenance group would do  
4 preventative maintenance and general repairs. The  
5 engineering group would oversee any upgrades or  
6 anything like that to the machine. And they were  
7 involved with the original installation, too.

8 Q. Can you tell us whether or not the machine  
9 has had any upgrades since 1993?

10 A. I know it has but I'm not -- you know, I  
11 couldn't tell you technically what they were.

12 Q. That would be the engineering function?

13 A. Right.

14 Q. Do you know approximately how many  
15 upgrades it's had?

16 A. No. I couldn't put a number on it.

17 Q. Let's talk about the areas that did come  
18 under maintenance, then. Let's talk about  
19 preventative maintenance for a few minutes. Is  
20 there a checklist or a protocol that you follow for  
21 the preventative maintenance of the Atlas Slitter?

22 A. Yes.

23 Q. Is it written out somewhere?

24 A. Yes.

1 A. When we have a problem with it.

2 Q. What would be the manifestation of a  
3 problem? What would the signs be that you have a  
4 problem?

5 A. The machine doesn't operate properly.

6 Q. If a drive is malfunctioning, is that  
7 malfunction limited to the arm on the core on the  
8 rewind side?

9 A. I couldn't answer that. You'd have to ask  
10 one of the technicians. You know, there are  
11 numerous electrical problems you have on a machine.  
12 So to be specific, I couldn't be specific.

13 Q. Does your maintenance department perform  
14 repairs to the drives on occasion?

15 A. To the drives?

16 Q. Yes.

17 A. Aside from replacing the complete drive?

18 Q. We'll take them separately. On occasion  
19 does your maintenance department remove and replace  
20 a drive?

21 A. Yes.

22 Q. On occasion does your maintenance  
23 department remove and repair a drive?

24 A. No.

1 Q. On occasion does the maintenance  
2 department remove a drive for the purposes of  
3 inspection and then put it back?

4 A. No.

5 Q. So --

6 A. Well, if you're having a problem with it  
7 -- no. They wouldn't, no.

8 Q. If you thought you were having a problem  
9 with the drive, would you take it out to look at  
10 it?

11 A. They just swap it out and put another one  
12 in.

13 Q. So the only reason that anyone touches  
14 these drives is to replace them; is that right?

15 A. I guess there might be diagnostics on  
16 these drives that they can check. I know there's  
17 key pads where they can check, and a drive will  
18 tell them if there is a problem. But I'm not  
19 really, you know, enough technically inclined to  
20 answer any real specific stuff.

21 Q. Who would be the person who would more  
22 often than not do that type of work for the Atlas  
23 Slitter?

24 A. One of the electronic technicians.

1 Q. And would that person's name change over  
2 the years from time to time or was there more than  
3 one person?

4 A. No. There's more than one person. Well,  
5 we had five electricians. I got four now, or three  
6 now.

7 Q. Now being in 2004, right?

8 A. Yes.

9 Q. So between 1993 and 2004, is there a  
10 turnover among electricians?

11 A. Oh, yeah. We've let go of, what, three or  
12 -- three maybe, three or four. There has been a  
13 turnover.

14 MS. JOHNSON: Two.

15 THE WITNESS: No. I think it's more  
16 than that.

17 Q. Are there records that would show when  
18 diagnostics were performed on the drives?

19 A. We have a call-in list, I believe, that we  
20 keep when there is a problem on the machine.

21 They'll write down what the problem is and they'll  
22 identify who the person is and what he did on the  
23 machine.

24 Q. And how far back does that record go; do

1 Q. They do not say, for example, I looked at  
2 Drive No. 1 or Drive A and it looked fine. They  
3 just say tighten loose bolts?

4 A. Right.

5 Q. Or check for loose wires?

6 A. Yes.

7 Q. Make sure the power is off?

8 A. Right.

9 Q. There's a checklist?

10 A. Yes.

11 Q. This machine was delivered to Franklin in  
12 1993, the Atlas Slitter, correct?

13 A. I thought it was '92; late '92, '93.

14 Q. Do you know how many drives were delivered  
15 with the machine?

16 A. No.

17 Q. Do you know if there were spares that were  
18 delivered with the machine?

19 A. I don't believe they were because I  
20 ordered all of the spares after the machine was  
21 installed.

22 Q. And for spare drives, are you the person  
23 who does the ordering?

24 A. Yes.

1 Q. Do you keep a record of each drive that  
2 you order?

3 A. I keep a record until I buy another  
4 similar drive.

5 Q. So, for example, you said you know there  
6 were no spares delivered with the machine. So one  
7 of the first things you did is you bought spares?

8 A. Correct.

9 Q. Do you know how many you purchased?

10 A. No. It was a huge list. I'd have to go  
11 back and check it.

12 Q. Do you have documentation that would show  
13 you what you bought for spares and when you bought  
14 them?

15 A. Yes.

16 Q. Is that documentation in your office?

17 A. Yes.

18 Q. What other documentation exists with  
19 regard to the Atlas Slitter? Do you have, for  
20 example, mechanical drawings that show you how the  
21 machine frame is laid out and --

22 A. Some.

23 Q. Were they delivered with the machine?

24 A. No.

1 Q. Did you acquire them afterwards or did you  
2 create your own?

3 A. Required them with great difficulty.

4 Q. When did you acquire them, years later or  
5 shortly after?

6 A. I still haven't got a complete set of  
7 mechanical drawings from Atlas.

8 Q. Do you have drawings or schematics for the  
9 pneumatic system and the hydraulic system?

10 A. Yes.

11 Q. Are those in your office?

12 A. Yes.

13 Q. And they were provided at or about the  
14 time the machine was provided?

15 A. Yes.

16 Q. How about the electrical, do you have  
17 schematics for the electrical?

18 A. Yes.

19 Q. And they were provided at or about the  
20 time the machine was provided?

21 A. Yes.

22 Q. Who has access to those reference  
23 materials, the schematics and the drawings?

24 A. The electrical group, electrical

1 technicians and the engineering.

2 Q. And the electrical technician is the  
3 person we talked about earlier who would check the  
4 drives and replace the drives?

5 A. Correct.

6 Q. Do you have an understanding of about  
7 approximately how many drives have been purchased  
8 by the Van Leer and Proma Technologies entities  
9 since 1993 or 1992 when the machine came in?

10 A. I couldn't give you a specific number, no.

11 Q. Let me show you a document that we've  
12 marked earlier today. Let me show you one that's  
13 not marked and I'll find you the one that's marked  
14 later.

15 MR. KELLEHER: Let's go off the record  
16 for a minute.

17 (Discussion off the record.)

18 Q. Let me show you what's been marked  
19 previously as Exhibit No. 2. You can read the  
20 entire document. I'm going to ask you with  
21 particular reference to Page 2 and the reference to  
22 the number of drives to Page 2.

23 But take a moment, read the whole  
24 document, and tell me when you're ready.

1 A. (Witness complies.)

2 Q. You have had a chance to look at Exhibit  
3 No. 2?

4 A. Yes.

5 Q. Let me direct your attention to the first  
6 paragraph on Page 2 which is part of that letter to  
7 John Orlowski. It says, We do not keep explicit  
8 records of when the boards are changed at the Atlas  
9 slitting machine. Let's take that sentence first.  
10 Is that sentence correct based on your  
11 understanding of the procedures?

12 A. Yes.

13 Q. So there is no record either -- neither  
14 that call-in list that we talked about earlier nor  
15 the preventative maintenance list that would  
16 explicitly show when drives were taken out and when  
17 drives were put in comprehensively?

18 A. There probably is -- I'm sure that there  
19 is something in there that says when they change  
20 some of the drives out, but not all of them.

21 Q. So that call-in list that we talked about  
22 before, if somebody was called in at night for a  
23 problem and they changed a drive, that sheet would  
24 show us?

1 A. Yes.

2 Q. But it wouldn't necessarily show us every  
3 time a drive change was made?

4 A. That's correct.

5 Q. So it would be a subset of the overall  
6 number of times a drive was changed?

7 A. Yes.

8 Q. The next sentence says, We purchased an  
9 average of one board per year and kept three in  
10 inventory to cover for the times when one is sent  
11 for repair.

12 That one board per year, is that your  
13 estimate of how often boards were purchased?

14 A. I believe it was.

15 Q. And this says three in inventory?

16 A. Actually, it's two. We might have had  
17 three at the time that the letter was written.

18 Q. So over the course of time, there might be  
19 a different number of drives on the shelf waiting  
20 and available?

21 A. Correct.

22 Q. And so when you said earlier you bought  
23 some spares early on after the machine was first  
24 installed to have those spares, you drew down from

1       that stockpile to put them in the machine; is that  
2       right?

3           A.     Right.

4           Q.     So it's not like you've always had a set  
5       number of spares available in storage?

6                   Here is what I'm trying to figure out.  
7       I'm trying to figure out if the machine has been  
8       here now ten years or more and there is two or  
9       three in storage, does that mean you bought ten or  
10      twelve of them over the course of ten years,  
11      roughly?

12           A.     Roughly. I couldn't -- I really --

13           Q.     You don't know. You can surmise and guess  
14      as much as I can from the document.

15           A.     Yes.

16           Q.     But there is no records that would show us  
17      when they were purchased --

18           A.     I have some but not all.

19           Q.     And the ones that you have are in your  
20      office?

21           A.     Yes.

22           Q.     What type of documentation is that?

23           A.     It's a purchase requisition.

24           Q.     And I'll tell you that several months ago,

1 A. No.

2 Q. So from '93 until now or '92 until now  
3 when the machine was first put it in, it's the same  
4 basic procedure?

5 A. Correct.

6 Q. When a drive comes in the door, does it  
7 come by UPS?

8 A. Normally.

9 Q. It comes in a box?

10 A. Yes.

11 Q. Are they individually boxed or do they  
12 come amongst other things in a box?

13 A. Usually individually.

14 Q. What do you do with them when you get  
15 them?

16 A. Take them out of the box and put them in  
17 storage.

18 Q. When you say in storage, is there a  
19 particular room you keep them in?

20 A. Yes.

21 Q. So there is a store room?

22 A. It's storage cabinets in the Atlas area.

23 Q. And are these cabinets also padlocked?

24 A. Yes.

1 Q. So these are not the same electrical  
2 cabinets for the drives that are running?

3 A. That's correct.

4 Q. These are just storage cabinets?

5 A. That's correct.

6 Q. And you said you take them out of the box  
7 and you put them on a shelf?

8 A. Yes.

9 Q. Do you make an inspection of the drive at  
10 the time you unpack it?

11 A. No.

12 Q. Do you make any determination at the time  
13 that the drive is received and unpackaged as to  
14 what position the various switches are in?

15 A. No.

16 Q. And when you put it on the shelf in the  
17 storage cabinet, I assume there is usually other  
18 drives on the shelf?

19 A. Yes.

20 Q. You just put it on top of the one in front  
21 of it, the one that was there before. Do you cycle  
22 them in some way?

23 A. No. They just go on the same shelf. You  
24 know, there are a number of shelves, and you put

1 them in a certain location so the technicians can  
2 find them when they're looking for them.

3 Q. Do you record the serial number when it  
4 comes in?

5 A. It's usually on the POs. But like I said,  
6 if I don't keep the past records, we don't have any  
7 record of when they were repaired or anything like  
8 that.

9 Q. So when you take them off of the cabinet  
10 shelf to put them in the machine, you don't make a  
11 record of which particular drive you're taking off  
12 the shelf?

13 A. No.

14 Q. Are they just stacked on top of each other  
15 on the shelf?

16 A. Yes.

17 Q. And when there's a problem with the  
18 machine that you believe involves a drive, do you  
19 need to replace more than one drive at a time or do  
20 you only replace one drive?

21 A. To my knowledge, it's usually only one  
22 drive at a time or one board at a time.

23 Q. When you're saying board, are you talking  
24 about the daughter board?

1 A. No. I'm talking about the drive. What I  
2 consider a drive is a drive board. I really can't  
3 get technical with you.

4 Q. But it's a computerized board?

5 A. It's a printed circuit board.

6 Q. There's circuits and switches and things  
7 on them?

8 A. Exactly.

9 Q. Do you know whether the daughter board  
10 that's on the circuit board for the drive is  
11 removable?

12 A. I believe it is.

13 Q. Do you order daughter boards separate from  
14 the drive board?

15 A. We have in the past, yes.

16 Q. And then when you order the daughter board  
17 separate from the drive board, who attaches the  
18 daughter board to the drive board?

19 A. The technician, I believe.

20 Q. Your technician?

21 A. Yes.

22 Q. From Proma?

23 A. Yes.

24 MS. COUNIHAN: Can I interrupt? Just

1 technician who has done this for the past ten  
2 years?

3 A. Correct.

4 Q. But we can get information from whoever  
5 does it today?

6 A. Right.

7 Q. When Proma Technologies or Van Leer  
8 replaces the daughter board as opposed to the  
9 drive, is there a different set of records  
10 maintained?

11 A. I don't believe so.

12 Q. And I think just to go back, I think you  
13 told us there are records of who did what work --  
14 what work was done and who did it in terms of that  
15 call-in sheet?

16 A. Correct.

17 Q. And those are in your office?

18 A. Yes.

19 Q. And that will give us some information but  
20 not the complete picture?

21 A. That's correct.

22 Q. And you said that there was some  
23 documentation in your office with regard to spares?

24 A. The purchase of spares and the repair of

1 things.

2 Q. Is that, again, a subset? Is that still  
3 -- it's not all of the documentation for ten years  
4 but it's a piece?

5 A. Yes.

6 Q. And then third there is the purchase  
7 requisitions that you've already produced?

8 A. Right.

9 Q. Is there any way for you or anyone at  
10 Proma Technologies to tell us which drive on the  
11 slitter was replaced when over the course of the  
12 last ten years?

13 A. You mean every single drive that was  
14 replaced?

15 Q. Right.

16 A. I wouldn't think so.

17 Q. Is it fair to conclude for the number of  
18 drives that you've replaced that all of the drives  
19 in this machine have been replaced over the course  
20 of ten years?

21 A. I couldn't say.

22 Q. Could you tell us roughly how long a drive  
23 lasts?

24 A. No.

1 Q. There's different times?

2 A. Because there are different types of  
3 drives on the machine.

4 Q. Okay. Well, let's talk only about the  
5 Infranor drives that run the rewind arms and limit  
6 our discussion to those drives. Is there any  
7 information at Proma that would tell us when the  
8 Infranor drives that run the rewind arms were  
9 replaced over the course of the last ten years?

10 A. Not a complete history, no.

11 Q. How long does one of those Infranor drives  
12 last?

13 A. I couldn't give you a specific time.

14 Q. But it was your testimony earlier you  
15 thought maybe you bought a drive once a year?

16 A. Yes.

17 Q. Plus the spares you bought originally?

18 A. Yes. You know, one might last months or  
19 years. I'm sure that there is drives in there that  
20 haven't been changed yet. You know, components  
21 fail, you have to change them out.

22 Q. Are certain drives used for different  
23 functions?

24 A. I couldn't answer that.

1 Q. I think I took a separate pathway. We  
2 were talking about the drives that came in.  
3 They're in the cabinet. When you have a problem  
4 with the drive in the machine, you take one out of  
5 the cabinet?

6 A. Correct.

7 Q. When you order a new one, it goes into the  
8 cabinet as a replacement for the one you took out?

9 A. Or we send the one that we took out to be  
10 repaired and then that goes back into the back of  
11 the cabinet.

12 Q. So there is no system as to -- you put it  
13 back in which cabinet?

14 A. The same place the other one came from.

15 Q. Into the machine cabinet?

16 A. Into the storage cabinet.

17 Q. So there is a little system. There's  
18 drives in the machine, there's spare ones in the  
19 cabinet?

20 A. Correct.

21 Q. And when you take one out of the machine  
22 and you either throw it away or you send it out for  
23 repairs, the new one comes from --

24 A. The storage cabinet.

1 Q. The storage cabinet. And when you buy a  
2 new one from someone else, it goes into the storage  
3 cabinet?

4 A. Or the one that when it comes back from  
5 repair goes into the storage cabinet.

6 Q. Right. Or the repaired one goes into the  
7 storage cabinet?

8 A. Yes.

9 Q. So there is a cycle?

10 A. Yes. Because they're very expensive. You  
11 don't want to throw them away.

12 Q. How much do they cost?

13 A. You know, it depends. There's different  
14 drives in the machine. You know, it depends on  
15 what type of drive it was. You know, they're  
16 thousands of dollars.

17 Q. I suspect they were cheaper in '93 than  
18 they are now?

19 A. They always are. Everything has gone up.

20 Q. And I believe you told me that there is no  
21 inspection procedure or inspection protocol for the  
22 drives when they're unpacked, correct?

23 A. That's -- well, there will be now after  
24 the accident.

1 Q. But prior to --

2 A. Prior to the accident, no.

3 Q. From 1993 until 2002 there was not?

4 A. Correct.

5 Q. And is there or was there -- let's keep  
6 our reference to make it easier from the time the  
7 machine was installed until Mr. Pucillo's  
8 accident -- was there a procedure or a protocol for  
9 inspecting the drives at the time they were  
10 installed in the machine to make sure the switches  
11 were in the right location?

12 A. There wasn't any procedure in place. The  
13 drives, they just come in and they're all bubble  
14 wrapped to protect them, and I don't even open the  
15 bubble wrap. I just take the board wrapped in the  
16 bubble wrap to protect it out of the package and I  
17 put it back on the shelf. And when the technician  
18 needs one, he goes and it's written on the bubble  
19 wrap what it is and he'll take the one he needs and  
20 reinstall it in the machine.

21 Q. We talked a short while ago about the  
22 electrical schematics that are in your office. Are  
23 they documents that you have the technical  
24 background to read?

1 A. No.

2 Q. So if I asked you what was in them --

3 A. I wouldn't have a clue.

4 Q. Is that information that the technicians  
5 would be able to read?

6 A. I would imagine, yes. I would hope so.

7 Q. Is there a portion of the schematics that  
8 relate to the drives?

9 A. I wouldn't know that. I really can't  
0 answer that.

1 Q. Have you observed an Infranor drive being  
2 replaced or repaired?

3 A. Yes.

4 Q. Is it a big process?

5 A. Well, it varies. You're talking  
6 specifically about the Infranor?

7 Q. Yes.

8 A. I guess its maybe takes them an hour to  
9 change them, something like that.

0 Q. And when the technician is taking the old  
1 one out and putting the new one in, is he using the  
2 schematics or the manuals that you have in your  
3 office?

4 A. I wouldn't know -- I'm not sure.

1 Q. Is there a procedure in place that says  
2 when you replace the drive, before you put the new  
3 one in, compare it to the schematics or compare it  
4 to the manuals or do anything?

5 A. I don't believe there was a procedure in  
6 place.

7 Q. I'm going to test your memory. Something  
8 you look forward to doing, I'm sure.

9 Let me show you a document we marked  
10 earlier today. It's called Exhibit No. 3. It's a  
11 memorandum from George Rice, June 10, 1996. Take a  
12 minute or two and read through that, and I'm going  
13 to ask you a few questions about it.

14 A. (Witness complies.)

15 MR. KELLEHER: Why don't we go off the  
16 record while he reads.

17 (Discussion off the record.)

18 Q. Mr. Langley, I've shown you what was  
19 marked as Exhibit No. 3. You've had a chance to  
20 look at it. I know from testimony earlier today  
21 that Mr. Rice was not in maintenance but he was in  
22 engineering.

23 A. That's correct.

24 Q. Do you remember Mr. Rice?

1       drives?

2       A.     Yes.

3       Q.     Are you familiar with the model numbers?

4       A.     Only I know where they are on the boards,  
5       yeah.

6       Q.     Each of the boards has a model number  
7       stamped on it?

8       A.     That's correct.

9       Q.     And does it also have a serial number?

10      A.     Yes.

11      Q.     And the model number would remain constant  
12     from purchase to purchase, whereas the serial  
13     number would change?

14      A.     Yes.

15      Q.     And no records are kept of the serial  
16     numbers, correct?

17      A.     No.

18      Q.     And if I were to show you a purchase  
19     requisition, you couldn't tell me where that  
20     particular board went, correct?

21      A.     No, I couldn't.

22      Q.     What are the different purposes of the  
23     different types of boards?

24      A.     I couldn't answer that.

1 purchase requisition for a repair to an Infranor  
2 board. The next one is PT 2006. It's the same  
3 thing. It's a requisition for a repair to an  
4 Infranor board. And then PT 2007 is PO for a  
5 service call to troubleshoot the drive system. And  
6 then the next, PT 2008, is the Valmet invoice for  
7 that purchase order. And the last one, PT 2009, is  
8 a purchase requisition for a repair to an Infranor  
9 drive board. That's it.

10 MS. COUNIHAN: Okay. Can we mark that,  
11 please.

12 (Langley Exhibit No. 2 marked and  
13 offered for identification.)

14 Q. With respect to this exhibit, Langley No.  
15 2, page -- well, I won't tell you the pages. I'd  
16 rather you went through this and show me.

17 When you were discussing or identifying  
18 these documents for the record, you indicated that  
19 some of these are for invoices for repairs to an  
20 Infranor board; is that correct?

21 A. Yes.

22 Q. And when you were talking about replacing  
23 the Infranor boards and you said approximately one  
24 a year, as I believe is what you said, are you

1 including with that figure the ones that are  
2 repaired and returned to Proma or are these  
3 specific to new purchases?

4 A. I would -- no. It would be the repaired  
5 ones also.

6 Q. Because if I understood your testimony  
7 earlier, your supplier, your inventory here  
8 consists of both new boards as well as repaired and  
9 returned boards, correct?

10 A. That's correct.

11 Q. So when you take a board out, if it needs  
12 to be repaired, you would take one off the shelf  
13 from storage; and when that one came back repaired,  
14 then you would replace it in the storage  
15 compartment, correct?

16 A. Correct.

17 Q. And if it couldn't be repaired, is that  
18 when you would purchase a new one?

19 A. Yes.

20 Q. So your inventory consists of both  
21 repaired and new?

22 A. Yes.

23 Q. And these purchase requisitions, these are  
24 the documents that you provided in response to the

1 A. No.

2 Q. What are those switches?

3 A. The switch on the daughter board?

4 Q. Correct.

5 A. The switch on the daughter board selects  
6 whether you are tachometer feedback or armature  
7 feedback for speed detection.

8 Q. And that's armature voltage feedback?

9 A. Armature voltage feedback.

10 Q. What is the difference between  
11 tachometer feedback and armature --

12 A. A tachometer is an electronic device  
13 that is physically attached to the motor so that  
14 you get a signal from this tachometer whose  
15 amplitude varies depending on the speed of the  
16 motor, so that you get actual speed feedback to  
17 the drive.

18 The alternative to that is armature  
19 voltage feedback, because the greater the  
20 armature voltage, in theory, the greater the  
21 speed of the motor.

22 Q. Are you finished? I didn't want to  
23 interrupt you.

24 A. Yes.

25 Q. Are there certain applications of the

1           We have to look at the particular  
2       serial numbers to see if those boards were  
3       involved.

4       Q.     Do we know the serial number of the boards  
5       that were in the machine on the date of Mr.  
6       Pucillo's accident?

7       A.     I don't.

8       Q.     Who would have that information?

9       A.     I don't know if we would have that.

10      Q.     What happened to the boards that were in  
11       the machine on the date of Mr. Pucillo's accident?

12      A.     As far as I know, they were repaired or  
13       they were left in the machine. I'm not sure. I  
14       couldn't answer that.

15      Q.     Do you know who would know that?

16      A.     The technicians more than likely or Greg  
17       Hagopian, the engineer.

18      Q.     The Model No. SMNB 2590, do you know what  
19       those boards are?

20      A.     No. You'd have to ask technicians.

21      Q.     And you indicated that some of the  
22       Infranor drive boards have the daughter card and  
23       some do not?

24      A.     Correct.

1 Q. Are there any markings on the board that  
2 identified them as Infranor?

3 A. Yes.

4 Q. What markings identified them?

5 A. Just the label says Infranor drives. They  
6 might have their address and then they have the  
7 model and serial number.

8 Q. And my understanding is that at some  
9 point, you were involved with trying to get them  
10 directly from Infranor?

11 A. That's correct.

12 Q. And when was that?

13 A. I couldn't give you a specific date. I  
14 don't remember.

15 Q. Was it prior to Mr. Pucillo's accident?

16 A. Yes.

17 Q. Was it prior to the switch from Atlas to  
18 Valmet?

19 A. I don't recall.

20 Q. And can you describe for the record,  
21 please, what your involvement was in your attempt  
22 to get the boards directly from Infranor?

23 A. It was a phone conversation with a  
24 technician at Infranor.

1 Q. And what was the reason that you contacted  
2 Infranor?

3 A. To try to get a repair cheaper.

4 Q. And what did they tell you?

5 A. That they wouldn't repair them because  
6 they had to be set up for our specific equipment.

7 Q. Did they give you any information about  
8 what the set up was that was done for your specific  
9 equipment?

10 A. No. They wouldn't know. From my  
11 understanding, they'll sell the boards to a  
12 particular OEM and then they set up the drives the  
13 way they want them for their particular machines.  
14 And the fellow on the phone told me if I sent the  
15 board back to them, that they wouldn't be able to  
16 set it up for our machine because they had no  
17 knowledge of how it was set up. So they wouldn't  
18 repair them. So I had to keep sending them back to  
19 Atlas.

20 Q. So was it your understanding that Infranor  
21 produces or manufactures a generic board?

22 A. I think so, yes.

23 Q. And did you have any conversations with  
24 Atlas Valmet about having your specific application

1 sent over to Infranor so that they could do the  
2 work there?

3 A. No.

4 Q. Do you know anyone from Atlas or Valmet  
5 that was familiar with the application for the  
6 Proma Technologies Atlas Slitter?

7 A. As far as --

8 Q. How to set up the board once it was  
9 received from Infranor before it was shipped to  
10 Proma. Do you know who at Atlas Valmet was  
11 responsible for that?

12 A. No.

13 Q. Were you involved with any of the meetings  
14 back in 1992 or 1993 with respect to the specific  
15 Proma application for the Atlas Slitter?

16 A. No.

17 Q. You indicated that you would know that a  
18 board needs to be replaced because the machine  
19 malfunctions; is that correct?

20 A. Yes.

21 Q. And is it something you're qualified to  
22 determine or it would require a technician?

23 A. Technician.

24 Q. And do you have any way of knowing when a

1 Q. Are they ever thrown away?

2 A. By Atlas Valmet.

3 Q. But not by Proma?

4 A. No.

5 Q. And if we were to go -- if we had all of  
6 the purchase requisitions, you could track a serial  
7 number of a board, correct?

8 A. If we had all of the purchase  
9 requisitions, I suppose I could.

10 Q. Is it possible right now to go out and  
11 figure out the serial numbers on the Infranor  
12 boards that are involved with the arms involved in  
13 Mr. Pucillo's accident?

14 A. I don't believe they could tell you what  
15 those were. You'd have to talk to David, the  
16 technician.

17 Q. But he would know whether or not any of  
18 those boards have been replaced since Mr. Pucillo's  
19 accident, correct?

20 A. I don't believe.

21 Q. Only if he personally replaced them?

22 A. That's correct.

23 Q. Is there anything that is done once the  
24 board is -- the bubble wrap is removed from the

1 drive, is there anything that's done to that drive  
2 before it's replaced in the --

3 A. I couldn't tell you.

4 Q. That would be something the technicians  
5 would know?

6 A. Right.

7 Q. I believe you indicated earlier that you  
8 understood that when the boards were sent from  
9 Infranor to Atlas Valmet, they were then set up for  
10 your application and then sent to you; is that  
11 correct?

12 A. That's my understanding, yes.

13 Q. And do you have an understanding that  
14 there are any other parties involved with that  
15 transaction?

16 A. I wouldn't know that.

17 Q. So you don't know whether Infranor sent it  
18 to somebody else who sent it to Atlas Valmet?

19 A. I wouldn't know that.

20 Q. Has the application of the slitter at the  
21 Proma facility remained essentially the same from  
22 1993 to today?

23 A. I'm not sure what you mean.

24 Q. At any time from 1993 to today, have you

1 had any conversations or communications with Atlas  
2 Valmet about changing the application of the  
3 product or the machine?

4 A. I haven't personally.

5 Q. Do you know whether it has changed at all?

6 A. You'd have to ask the technicians or the  
7 engineers. They would be able to answer that.

8 Q. Do you know or do you have any  
9 understanding as to what Atlas Valmet does to the  
10 boards before they're sent to you?

11 A. No.

12 Q. When you were talking about the  
13 preventative maintenance, you indicated that there  
14 was some preventative maintenance to the drives  
15 with respect to the brushes, I think you said.

16 A. Yes. Check the motor brushes.

17 Q. Is that something that would require that  
18 they remove the drive to do?

19 A. No.

20 Q. For part of the preventive maintenance,  
21 would they remove the board or drive at all?

22 A. No.

23 Q. But they do open that cabinet?

24 A. They open the cabinets, yes.

1 Q. Were all four of these employees of Proma  
2 Technologies at the time of the accident?

3 A. I don't recall. Ray -- I don't know.

4 MS. JOHNSON: Ray was here. Matt was  
5 here, Dave.

6 THE WITNESS: I don't know if Phil was.

7 MS. JOHNSON: That's only two years  
8 ago. Phil was here.

9 MR. SERENO: Proma would present Dave  
10 Peavey as the lead of those by head and shoulders.

11 Q. Other than Atlas Valmet, did you send the  
12 drives or the boards to any other facility for  
13 repairs?

14 A. No.

15 Q. Did anyone else other than your  
16 technicians work on those machines?

17 A. Just Valmet people.

18 Q. Do you know whether there was a service  
19 contract with Atlas Valmet?

20 A. No. We don't have one.

21 Q. You had testified earlier that after the  
22 initial purchase of the Atlas Slitter machine, at  
23 some point afterwards you purchased spare drives?

24 A. Yes.

1 Q. Do you recall how long it was after the  
2 initial purchase that you first ordered spares?

3 A. I can get you that information. I don't  
4 know off the top of my head. It was within a year.

5 Q. Did you order the first spares because you  
6 needed to replace boards?

7 A. No. They give you a suggested spares list  
8 to purchase from, and I'd pick out certain things  
9 that they have to give us and certain things I  
10 could buy locally cheaper, like belts and bearings,  
11 things like that. But it was a suggested list from  
12 that.

13 Q. Did their suggested list indicate in any  
14 way approximately how many spares of Infranor  
15 drives you would need?

16 A. They give you -- yeah. They say you  
17 should probably keep this many on hand.

18 Q. Do they give you any estimate as to how  
19 long the drives last?

20 A. No.

21 Q. The log that we've marked as Exhibit No.  
22 1, can you show me in here anywhere, if you know,  
23 of what it would look like if there was an entry  
24 that a drive had been swapped out?